

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOE DASILVA, JR.,

Plaintiff,

Civil No. 20-11358

v.

Honorable Mark A. Goldsmith

CHRISTINE WORMUTH,  
Secretary of the Army, and MARTIN  
POTTER, in his individual capacity,

Magistrate Judge Anthony P. Patti

Defendants.

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**DECLARATION OF LESLIE TILLMAN**

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1. My name is Lesley Tillman. I am currently an Assistant Chief at the Detroit Arsenal Fire Division and have served in that position since 2014. Before that, I was a Occupational Health and Safety Technician, Emergency Manager, Emergency Medical Technician, Emergency Medical Technician, Supervisor, Dispatch Supervisor, Firefighter, Acting Lieutenant, Acting Captain, Occupational Health and Safety Specialist, Traffic Safety, Program Manager, Fire Inspector, Firefighter, AFGE Union Area Vice-President Captain, Chief of Prevention, Chief of Training and Chief of Operations, at Naval Region Southeast, Navy Region Southwest, Armtec Defense Products,

Marine Corps Air Station Miramar, Naval Station Rota Spain, and Detroit Arsenal .

2. I began working at the Detroit Arsenal in 2009 and have known Mr. Joe DaSilva since that time. I have worked with Mr. DaSilva over the years and have had an opportunity to observe his behavior and conduct at work.
3. I am an African American.
4. On one occasion around 2009, Mr. DaSilva approached me and said, “what’s up,” followed by the N-word. I immediately told Mr. DaSilva to stop. As we all know this word is inappropriate and should never be used in the workplace but that was Mr. DaSilva attempt to friend the new Fire Inspector. As I said in my testimony at the time Mr. DaSilva was not the only employee with poor choices of communication. Since that time Mr. DaSilva and the entire Fire and Emergency Services have attended training to correct that behavior. I also witness Assistant Fire Chief Martin Potter make inappropriate comment in the Kitchen directed to Mr. DaSilva in 2018.
5. I sat on Mr. DaSilva’s interview panel when he interviewed for a promotion to captain in 2019. Attached is my scoring matrix and the notes I took during Mr. DaSilva’s interview. Of the eight individuals who interviewed for the position, I scored Mr. DaSilva the second lowest. As my notes show, I did not

deem Mr. DaSilva qualified for the captain position and recommended that he not get the job.

6. Shane Biehl was ultimately selected for the position.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Date: \_\_\_\_\_

TILLMAN.LESLEY.JEROME.1114617314  
OME.1114617314  
LESLEY J TILLMAN

Digitally signed by  
TILLMAN.LESLEY.JEROME.1114617314  
Date: 2022.12.16 14:13:11 -05'00'

RESUME REVIEW, ANALYSIS AND RATING CRITERIA RESULTS														
Captain, GS-08, USAG (Detroit Arsenal Fire and Emergency Services) 2019														
Category	Criteria	Points	Sample		DaSilva									
Work Experience	Experience leading a team: • Demonstrates team building and mentorship. • Demonstrates acceptance of responsibility. • Demonstrates problem solving capability. • Demonstrates ability to be a self-starter.	Max 4 points	4	4	3	4	4	4	4	2	3			
	DOD Firefighting experience: • 0-4 Years = 1 points • 5-9 Years = 2 points • 10-14 Years = 3 points • 15-+ Years = 4 points	Max 4 points	4	3	3	3	3	4	2	3	4			
	DOD Lead Firefighting Experience: • Demonstrates leadership • Demonstrates a desire for community involvement by participating in compliant practices for fire Prevention & Protection • Demonstrates the ability to provide open communication and transparency.	Max 5 points	5	5	2	4	5	5	5	3	5			
	Knowledge of Installation:	10 points	10	10	10	10	10	10		10				
	Performed as a Lead Firefighter at the Detroit Arsenal:	10 points	10	10			10	10	10		10			
Training/ Certifications/ Education	Tech Rescue I Certification	3 points	3	3	3	3	3	3	3		3			
	Tech Rescue II Certification	3 points	3	3	3		3	3	3		3			
	Haz Mat IC	3 points	3			3	3				3			
	Health & Safety Officer	2 points	2	2			2	2		2				
	Incident Safety Officer	2 points	2	2	2		2	2	2	2				
	Blue Card Certified	2 points	2											
	ICS 300/400	2 points	2	2		2	2		2		2			
	CPSE Fire Officer Designee	2 points	2											
	Associate Degree=1, Bachelor Degree=2, Master Degree=3	3 points	3	1			2			3	1			
Awards and Levels of Recognition	Special Acts of Service, Achievement, Commander's, or Superior Performance Awards within the Last 5 Years Other - Monetary Awards, QSI, On The Spot, Time-Off, GO/SES Level Recognition	1 thru 5 points	5	5		2		3	5					
Other Experience	Other Significant Accomplishments	1 thru 5 points	5	5	5	5	5	5	3	3				
Interview Rating Sheet	Total Points From Oral Interview	9 thru 45 Points	45	43	19	33	23	35	33	22	35			
		Totals:	110	98	50	69	73	86	86	38	86	0	0	0
Name: _____ Grade: _____ Organization: _____ Location: _____														
Position: _____ DSN: _____														

INTERVIEW RATING SHEET						
Name of Position:			Date of Interview:			
Captain/Lead Firefighter, USAG Detroit Arsenal			Nov, 4th 2019			
Name of Candidate: Joe DaSilva						
Panel Members	ANCHORS					
		Evidence of Skill is Not Present	Some Evidence of Skill is Present	Very strong evidence skill is present		Total
<u>Performance Skills to be evaluated</u>						
<b>Rating/Score:</b>		1	3	5		
1 Motivating Others			✓			
2 Innovation & Initiative			✓			
3 Leadership		✓				
5 Customer Service			✓			
4 Planning, Prioritizing, and Goal Setting			✓			
6 Team Building			✓			
7 Scopes of Services / CLS		✓				
<u>Technical Skills to be evaluated</u>						
8 Fire Response (ICS)		✓				
9 Army Core Values		✓				
<b>Total Score for Candidate:</b>						19
<b>RECOMMENDATION:</b>		<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <del>Hire/Promote/Promote</del> </div> <div style="text-align: center; border: 1px solid black; border-radius: 50%; padding: 5px;">             Not Hire/Promote           </div> </div>				
Reason for Recommendation: _____						
_____						
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### Performance Skill Questions with Interpretive Guides and Anchors

Name of Position: Captain/Lead Firefighter

#### Motivating Others

Able to exhibit a "can-do" approach and inspire associates to excel; use competition to encourage others; develop performance standards and confront negative attitudes; learn what motivates others.

<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Bland communication style; Rarely sets positive example; Limited coaching/counseling skills; Limited awareness of goals; Socially isolated.	Average energy in speaking; Usually sets positive example; Some coaching/counseling skills; May use goals to motivate; Accepted by others.	Speaks with enthusiasm; Consistently sets positive example; Good coaching/counseling skills; Regularly uses goals to motivate; Admired by others.

Describe a time you were able to provide mentorship and coaching techniques to motivate a team during an operational change.

CPR Class

Did the candidate voice a "can-do" orientation, then plan and manage in a way that supported success?  
Was there a hollow, barely positive approach that may have stifled productive behavior?

Who was involved?

Himself as a CPR Instructor, Fire Department Personnel and other Garrison employees

What did you use as motivational factors for both yourself and the individual or group? How were you able to measure the results of the success?

Giving ALL STUDENTS CPR cards

What skill set can you provide to ensure the employees you potentially lead remain motivated and are a viable asset to the installation?

No skill set was Identified

### Performance Skill Questions with Interpretive Guides and Anchors

Name of Position: Captain/Lead Firefighter

#### Innovation & Initiative

Able to display a high level of initiative and consistently seize opportunities when they arise; demonstrate commitment to sound business practices; improve upon conventional practices; apply novel solutions to problems and support continuous improvement.

<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Takes action when directed; Uses poor judgment in pursuing opportunities; Makes trivial improvements; Sticks with tried and true solutions; Provides little support for improvement.	Takes necessary steps to meet goals; Pursues routine opportunities; Corrects obviously flawed processes; Accepts others' new ideas; Understands need for continuous improvement.	Resourceful in accomplishing goals; Recognize/seizes unusual opportunities; Engineers significant improvements; Generates novel solutions; Encourages specific ideas for improvement.

We value people who display a high level of initiative. Describe a time you displayed innovation and initiative to improve or develop a process, contract, or tasking.

Engine Door was hitting a piece of equipment

Did the candidate do something unusual for his/her position, proactive and important? Was the action a routine part of the job? Was he/she directed to do it? Or, was it otherwise trivial?

Who was involved?

Himself and another Department on Base was able to develop a piece that allow the equipment to be installed better

What was the outcome?

Stop Breaking the door

What skill set can you provide to maintain innovation and initiative as a paramount aspect of your leadership towards the organization you potentially would lead?

Building Relationship

### Performance Skill Questions with Interpretive Guides and Anchors

**Name of Position:** Captain/Lead Firefighter

#### Leadership

Able to inspire and motivate others toward strategic/operational goals and corporate values; coach and mentor others; consistently demonstrate decisiveness in day-to-day actions by making timely decisions; lead by example; face adversity head on; demonstrate concern for employees' welfare and safety by continuously monitoring and eliminating hazardous or unhealthy work situations.

<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Takes minimal action to motivate others; Reluctant to act as a coach; Chooses randomly when data is incomplete; Avoids conflict situations; Tolerates unsafe conditions.	Educates others about corporate values/goals; Recognizes the value of feedback; Delays decisions when data is incomplete; Addresses conflict when required; Corrects dangerous situations	Persuasively links individual/corporate goals; Gives constructive feedback and follows up; Uses available data to make timely decisions; Surfaces and effectively resolves conflict; Monitors and eliminates unsafe conditions.

What are two of the most important values you demonstrate as a leader when dealing with a difficult issue?

*Believe he does not have a weakness*

Did the candidate provide active guidance, constructive feedback and a vote of confidence, and follow up helpfully? Was there little more than basic advice?

Give examples of each of these leadership values you have practiced in your career when dealing with such issues.

*NO Example*

Explain your greatest strengths and weaknesses as a leader. Explain what you have experienced as a success and as a failure to your leadership style. Explain what you have learned from your past errors in leadership.

*NO Example*



### Performance Skill Questions with Interpretive Guides and Anchors

**Name of Position:** Captain/Lead Firefighter

#### Customer Service

Able to identify and resolve customer service issues and concerns; demonstrate commitment to providing high quality service; continuously assess performance from the customer's point of view; anticipate and meet customer expectations; implement programs to promote customer focus.

<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Prioritizes internal concerns over customer needs, Conducts cursory spot checks, Not responsive to customer feedback, Fails to meet customer expectations, Fails to reward customer-focused behavior.	Identifies obvious customer issues/needs, Emphasizes importance of high quality, Reacts to negative customer feedback, Meets some customer expectations, explains benefits of being customer-focused.	Anticipates and addresses customer issues/needs, Ensures highest quality service, Solicits customer feedback on performance, Exceeds customer expectations, Implements programs to promote customer focus.

Describe a situation in which you had to deal with a customer, tenant, or stakeholder who was difficult, hostile or distressed during your interaction.

Emt at DTA - FES

Hurt Employees and/or soldiers

Who was involved?

Employees on Base

Did the candidate recognize that the customer's experience was more important than other angles (e.g., cost control, historical data), monitor that through proactive communications with customers, and address any improvement areas needed? Was there merely a reaction to an obvious evolving problem?

What specific actions did you take and what were the results?

convince a Employee to be transported that had heart Issues. Employee was griefful

What skill set can you provide to ensure the organization will be remain customer driven and customer focused?

Putting customers first

### Performance Skill Questions with Interpretive Guides and Anchors

**Name of Position:** Captain/Lead Firefighter

#### Planning, Prioritizing and Goal Setting

Able to prepare for emerging customer needs; manage multiple projects; determine project urgency in a meaningful and practical way; use goals to guide actions and create detailed action plans; organize and schedule people and tasks.

<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Little time management skill, Limited experience in writing goals, Rarely uses written plans, Disorganized, Rarely sets priorities based on customer needs	Some skill in time management, Can write and set goals, Occasionally uses written plans, Generally organized, Can set priorities based on customer needs	Skilled in a time management system, Writes specific goals with target dates, Uses written plans to guide activities, Highly organized, Prioritizes based on customer needs

Describe a situation that you were involved in to develop a new process or task in your current position that benefited your organization as well as your customers.

EMS Transport sheets

Did the candidate keep all projects moving to hit deadlines? Was there haphazard allotment of resources to different tasks with unproductive and unnecessary chaos?

Who was involved?

Warren FD, Captain Ashwell, and me: Dasilva

How did you set priorities?

Getting more information on the Run sheets

What was the outcome?

Better service

### Performance Skill Questions with Interpretive Guides and Anchors

**Name of Position:** Captain/Lead Firefighter

#### Team Building

Able to encourage a participative approach to work and foster a cooperative environment; coach others in team-playing skills and maintain a strong team spirit; work well with others across the organization; place team priorities before personal priorities.

<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Does not seek input from others; Reluctantly works with others; Offers hollow praise for teamwork; Resists working across departments; Prioritizes own interests over team priorities.	Seeks limited input; Provides backup help when needed; Explains the need for team skills; Works with other departments as required; Devotes some time/resources to team priorities.	Encourages full team participation; Promotes the benefits of working cooperatively; Helps others build and practice team skills; Encourages working across departments; Subordinates own priorities to meet team goals.

Organizational pride is important to effective professional team productivity. Describe a time that required you to organize and lead a team to achieve a common goal for a common benefit.

**DTA-FES**

charities for soldiers during the holidays

Who was involved?

Volunteer services, DTA-FES personnel

Did the candidate promote the team's importance and motivate the team to succeed by working together as a group, rather than as individuals working separately? Was there simply a hollow, substance-free rah-rah speech?

What was the outcome?

providing soldiers families gifts during holiday

### Performance Skill Questions with Interpretive Guides and Anchors

**Name of Position:** Captain/Lead Firefighter

#### Scopes of Services / CLS

Able to articulate Army Fire and Emergency Services programs and performance delivery IAW Army Fire and Emergency Services policies, regulations, and memorandums over all and specifically the Protection division.

<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Does not know what CRA/SOC is; Cannot explain why CRA/SOC is important to a department; Unable to explain how SOC provides support for Garrison leadership.	Has limited knowledge of a CRA/SOC is; Can vaguely explain why CRA/SOC is important to a fire department; Had difficulty explaining how SOC provides support for Garrison leadership.	Vast knowledge of CRA/SOC is evident; Easily able to articulate why CRA/SOC is important to a fire department; Displayed the ability to explain how SOC provides support for Garrison leadership.

What is a Community Risk Assessment & Standards of Cover?

NO ANSWER

maybe about personal

NBODID

Describe how a Standards of Cover provides documented support for program effectiveness, program execution, and installation needs for manpower, apparatus, and cooperative partnerships for base operations.

NO ANSWER

How does a Standards of Cover support base operations for the Garrison leadership?

NO ANSWER

Did the candidate explain the importance of the CRA/SOC, were they able to link the importance of the documents to the fire department and the Garrison leadership?

Technical Skill Questions			
<b>Name of Position:</b> <u>Captain/Lead Firefighter</u>	<div style="text-align: right; font-family: cursive;">             Use A              After              ACTION              Report              and a              Debriefing           </div>		
<b>Technical Skill Title:</b> Incident Command System / Notifications			
<b>Technical Skill Definition:</b> Knowledge Based <i>Does not have A Basic knowledge of Incident command</i>			
<b>Technical Skill Question(s):</b> <ol style="list-style-type: none"> <li>As a Captain/Lead Firefighter, you are charged with the safety and well-being of your team and the community you serve. Please explain in great detail how the Incident Command System (ICS) works.</li> <li>Provide an overview of how you will brief fire department leadership during an emergency incident and work with the EOC during significant events to ensure safety for the installation.</li> </ol>			
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <b>Name of Position:</b> <u>Captain/Lead Firefighter</u>  <i>Support the mission</i> </td> <td style="width: 50%; vertical-align: top;">           Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage.         </td> </tr> </table>		<b>Name of Position:</b> <u>Captain/Lead Firefighter</u> <i>Support the mission</i>	Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage.
<b>Name of Position:</b> <u>Captain/Lead Firefighter</u> <i>Support the mission</i>	Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage.		
<b>Personal Values:</b> <u>Army Core Values</u>			
<b>Personal Values Question:</b> Identify the two most important Army Core Values to you and provide an example where you demonstrated each of those Army core values: Ensure you are clear and concise as to how each of your examples relates to each of the core values you choose.			
<b>Closing Statement:</b> <ol style="list-style-type: none"> <li>We would like to offer you the opportunity to add anything on your behalf to this interview.</li> </ol>			
<b>Interview Scheduled for (Enter Date and Time):</b>			
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Candidate failed to keep interview appointment (without rescheduling)         </div> <div> <input type="checkbox"/> Candidate withdrew from employment or promotion consideration. Give date / time / means (in-person, phone, e-mail, etc) and reason(s) for withdrawal or declination in the summary area above.         </div>			
<b>Interviewers Name and Title (Type or Print):</b> <i>Tillman, LT AC Tillman</i>	<b>Interviewer Signature:</b> 		